THE Rights Of Non-Muslims In The Islamic World

Saleh Hussain Al-Aayed, Ph.D.

Translated by
Alexandra Alosh

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Introduction

In The Name Of Allah, The Gracious, The Most Merciful.

All praise is due to Allah, Lord of the Universe, and peace and blessings be upon our Messenger, Muhammad ibn 'Abdullah (peace and blessings of Allah upon him), and upon his descendants and Companions.

Islam is the religion of mercy to all people. The Lord says in the Holy Qur'an,

> ***"These are clear evidences to men, and a guidance and mercy to those of assured faith." (Al-Jathiyah, 20)***

There is goodness in Islam for all living beings: for those who believe in it and for non-Muslims as well. This fact can be ascertained by anyone with insight, and only someone who is arrogant or ignorant of the realities of Islam could deny its virtue. The Lord says,

> ***"...that is the true religion, but most among mankind know not." (Ar-Rum 30).***

The goodness of Islam is as clear as in the famous line of poetry by al-Mutanabbi: "If the daylight needs proof of its existence, then there is nothing that can be understood."

A person who has been guided comprehends the benefits of the pure religion for believers, in this world and the next. As for its goodness towards non-Muslims, the greatest proof of this is the rights which Islam has preserved for them, and the almost unbelievable degree of religious tolerance that Muslims have shown towards them, even in times when Muslims were achieving victories over non-Muslims in war. Unbiased non-Muslims

historians have left testimony to these facts, as was done by the Patriarch Ghaytho,

"The Arabs, to whom the Lord has given control over the world, treat us as you know; they are not enemies of Christianity. Indeed, they praise our community, and treat our priests and saints with dignity, and offer aid to our churches and monasteries"[1].

Will Durant states,

"At the time of the Umayyad Caliphate, the people of the covenant, Christians, Zoroastrians, Jews and Sabians, all enjoyed a degree of tolerance that we do not find even today in Christian countries. They were free to practice the rituals of their religions, and their churches and temples were preserved. They enjoyed autonomy in that they were subject to the religious laws of their scholars and judges."[2]

The good relations between Muslims and peoples of other faiths were not an anachronism, because their interactions were based upon two of the foundations of Islam itself: the intrinsic dignity of humanity, and freedom of belief. Unfortunately , today we hear escalating accusations of Islam and Muslims violating human rights, especially those of non-Muslims. There is no evidence that this is the case.

It is my wish, in this study titled *The Rights of non-Muslims in the Islamic World,* to discuss this issue in depth, so that non-Muslims can know what Islam guarantees them, and not go to extremes in making demands that have no basis in truth. At the same time, Muslims can learn about the rights of others, and not oppress them by denying them some or all of their rights. This study was delivered as a lecture in the *Symposium on Human Rights in Islam*, which was held in Rome, Italy, from 19/11/1420-21/11/1420 A.H. (corresponding to February 25th –27th, 2000 A.D).

In addition, this publication contains an appendix. It consists of the response to a question posed to me during the conference. This question concerned an objection to what appeared to be an inconsistency between the statement that non-Muslims have freedom of belief and the fact that they are not permitted to build churches and temples in the Arabian peninsula (the Kingdom of Saudi Arabia), nor are they permitted to publicly perform their rituals.

I pray to the Lord in His Majesty that I have achieved some degree of success in clarifying the facts for all those whose consciences seek truth. It behooves us in this day and age to seek the truth, and all that it entails, and to accept it with humility and grace. It behooves us in the age of knowledge to take the initiative, and discard our arrogance and wishful thinking, in all matters, great and small. In this era of globalization, each one of us needs to become aware of his rights and his obligations, so that we can build in this world the degree of civilization that its Creator intended for it.

I ask Allah Almighty to make this study of benefit to everyone who reads it. I also ask Him to grant a great reward to its writer, his parents, and to all those who make the same prayer for them. May the peace and blessings of Allah be upon our messenger, Muhammad (peace and blessings of Allah upon him), and on his brother prophets and messengers, and upon his descendants and Companions.

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Classification of non-Muslims in Muslim Countries

Before delving into the subject of the rights of non-Muslims in the Islamic world, it is worthwhile to define how non-Muslims are classified in Muslim countries. The point is not to identify them by their various beliefs, such as Judaism, Christianity, and so forth. This classification has no bearing in general on the regulations of Islam, except in that it distinguishes between the People of the Book and polytheists. The classification we intend here is as follows:

A: Non-Muslim Citizens:

Anyone who is familiar with works of *fiqh* (Islamic law) knows that Muslim scholars of *fiqh* use the technical term *People of the Covenant* ("*dhimmi*") to refer to citizens who are not Muslim. It is an attractive term, and not a pejorative as some would claim. It means "the people of testament and trust," because they are under the protection of the covenant extended to them by the Prophet Muhammad (peace and blessings of Allah upon him) and the Muslims. This covenant is valid forever.[3] This is emphasized in the *hadith* narrated by Buraydah, that the Prophet Muhammad (peace and blessings of Allah upon him), when he sent any commander in *jihad*, he would instruct him,

"If you find yourselves about to overtake a fortress, and its inhabitants with to make a truce with you in the name of Allah and His Messenger, do not make it a covenant in the name of Allah and

His Messenger[i]. Make it a covenant in your name and that of your companions, because if the truce is broken, it will not be as great a misdeed as breaking the covenant of Allah and His Messenger."[4].

Another example of the good intent of this term [*dhimmi*] was the letter written by the *Khalifah* Abu Bakr as-Siddiq (may Allah be pleased with him) to the people of Najran:

"In the name of Allah, the Beneficent, the Merciful. This is the written statement of 'Abdullah Abu Bakr, the *Khalifah* of Muhammad (peace and blessings of Allah upon him), Prophet and Messenger of Allah (peace and blessings of Allah be upon him). He affirms for you the rights of a protected neighbor, in yourselves, your lands, your religious community, your wealth, retainers, and servants, those of you who are present or abroad, your bishops, monks, and monasteries, and all that you own be it great or small. You shall not be deprived of any of it, and shall have full control over all…"[5].

Still another example of the good intent underlying this terminology is the statement of the Imam al-Awza'i (may Allah have mercy on him) in his letter to the Abbasid governor Salih b. 'Ali b. 'Abdullah about the people of the covenant:

"They are not slaves, so beware of changing their status after they have lived in freedom. They are free People of the Covenant."[6].

Ron Landau, who explained its noble intent as follows, evidenced this understanding of the intent of the term dhimmi:

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i- In other words, do not give it the same name as that of Allah's covenant with the People of the Book, because that is sacred.

"In contrast to the Christian Empire, which attempted to impose Christianity on its subjects, the Arabs extended recognition to religious minorities, and accepted their presence. Christians, Jews and Zoroastrians were known to them as the People of the Covenant; in other words, the nations who enjoyed a protected status."[7].

B: People with a protected status:

This classification includes non-Muslims that come to Muslim countries to work or for other business, to whom Muslim scholars of *fiqh* refer with the term *musta'minun* [seekers of protection].

These two classes of people have general rights, which are common to both groups, and rights that are specific to each group exclusively. I will limit my discussion to clarification of the general rights of both, in keeping with the title of the study, and for fear of boring the reader with excessive detail.

In contrast to the Byzantine Empire, which attempted to impose Christianity on its subjects, the Arabs extended toleration to religious minorities, and accepted their presence. Christians, Jews and Zoroastrians were known to them as the People of the Covenant, in other words, the nations who enjoyed a protected status.[1]

B- People with a protected status:

This classification includes non-Muslims that come to Muslim countries to work or for other purposes. Therefore, Muslim scholars of old called it with the term musta'min, or seekers of protection.

There are two classes of rights: first, general rights, which are common to both groups; and rights that are specific to each group exclusively. I will limit my discussion to the clarification of the general rights of both, in keeping with the scope of the study, and for fear of boring the reader with excessive detail.

The General Rights of non-Muslims in Islamic Countries

No matter what his ethnicity, nationality or status, man has never achieved, in any era, a higher status than that which he achieves in the shade of Islam, the pure religion. This is only the case because Islam is a universal religion, and its Messenger (peace and blessings of Allah be upon him) was sent to all of humanity. Unlike his brother prophets and messengers (peace be upon them all), he was not sent as a messenger to specific nations.

If one studies and compares the Universal Declaration of Human Rights to human rights in Islam[8], one clearly sees the level morality that Islam was the first to achieve, and that this high moral standard did not come about as a result of human intellectual endeavor. The comprehensiveness, depth, and consideration of the true needs of human beings are features of this moral standard. This standard provides for man that which will benefit him, and shields him from all that would cause him harm. Objective study, free of ulterior motives, will cause the individual to conclude that "there is no religion or moral code on earth that has given more generous attention than Islam to faithfully affirming these rights, detailing them, clarifying them, and expressing them"[9].

The *Shari'ah,* which is the legal and moral code of Islam, did not confine itself to endowing its own adherents with rights; one of the distinguishing features of the *Shari'ah* is that it includes non-Muslims along with Muslims in many of these rights. This is a facet of religion that is unique to Islam, and has not been attained by any other religion or system. Non-Muslims have a great number

of general rights, of which I will only discuss the most prominent in the following chapters.

1- Their right to preservation of their dignity as human beings:

Allah Almighty has endowed mankind with dignity, Muslims and non-Muslims alike, and has elevated his status above that of much of creation. The Almighty says in the Holy Qur'an:

"We have honoured the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours, above a great part of Our Creation." (Al-Isra' 70).

Allah even commanded His angels to prostrate themselves in humility before Adam, the father of mankind (peace and blessings of Allah be upon him). This command was to elevate the status and honor of humanity; Allah also said:

"When We said to the angels, 'Prostrate yourselves to Adam,' they prostrated themselves, but not Iblis; he refused." (TaHa 116).

Allah Almighty bestowed many favors upon mankind, some of which are evident, and others which are hidden. He made the heavens and earth subject to man, as a sign of his honor.

He says in the Holy Qur'an,

"It is Allah Who hath created the heavens and the earth and sendeth down rain from the skies, and with it bringeth our fruits therewith to feed you; it is He Who hath made the ships subject to you, that they may sail through the sea by His command; and the rivers (also) hath He made subject to you. And He giveth you of all that ye ask for, but if ye count the favours of Allah, never will ye be able to number them.

Verily, man is given up to injustice and ingratitude." (Ibrahim 32-34).

This elevated status that Allah Almighty has granted to mankind is the basis for the principle of preservation of human dignity, regardless of whether a person is Muslim or non-Muslim, and it is hard to imagine any religion that can equal Islam in its preservation of human dignity for all. Islam emphasizes that the origin of mankind is one, and therefore all of humanity has equal rights. Allah Almighty has said:

"O mankind! We created you from a single (pair) of a male and female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full knowledge and is well acquainted (with all things)." (Al-Hujurat 13).

The Messenger of Allah (peace and blessings of Allah be upon him) said in his sermon during the days of *tashriq* [celebration of the 'Id of the pilgrimage], in the 10^{th} year of the *hijrah*:

"People, hear that your Lord is One, and that your father is one. You must know that an Arab has no superiority over a non-Arab, or a non-Arab over an Arab, or a red man over a black man, or a black over a red, except in terms of what each possesses in piety. Have I delivered the message?"[10].

An example of the preservation of the dignity of non-Muslims is their right to respect for their feelings, and to mannerly speech in debate, in obedience to the command of Allah:

"And dispute ye not with the People of the Book, except in the best way, unless it be with those of them who do wrong, but say, "We believe in the Revelation which has come down to us and in that which came down to you; our God and your God

is One; and it is to Him we submit (in Islam)." (Al-'Ankabut 46).

Non-Muslims have the right to not have their beliefs mocked; I do not believe there is a religion or sect on the face of the earth that is more just in this regard to those who have other beliefs than Islam. Isn't it true that Allah has said in the Holy Qur'an:

"Say: 'Who gives you sustenance from the heavens and the earth?' Say: 'It is Allah; and certain it is that either we or ye are on right guidance or in manifest error.'" (Saba' 24).

When we carefully consider the way Allah has ended the verse, we see that He has used what Arab literary critics refer to as a rhetorical question inquiring about common knowledge. He blends certainty with doubt by highlighting that which is known (the Muslims following guidance, while the Unbelievers are in error) as if it were a matter that could be doubted. In doing so, Allah emphasizes the truth by allowing the reader to draw his own conclusion. He does not state in this verse who is the group following guidance and who is not. This use of language is a means of treating an opponent in debate with justice, by presenting the argument, and allowing the listener to judge. Az-Zamakhshiri further elaborates on this verse:

"This is equitable speech: whoever hears it, supporter or opponent, will tell the person to whom the speech is directed that the speaker has treated him justly. It draws the listener to the inevitable conclusion, after the argument has been presented, that there is no doubt as to whom is the one following guidance, and who is in error. Suggestion of the facts, as if the question were a conundrum, provides a more cogent proof of the truth. The opponent is gently disarmed, without resort to heated quarreling"[11].

A worldlier example of this respectful manner of debate would be a person who states in an argument, "Allah knows which one of us is telling the truth, and also that one of us is a liar".

Allah has honored mankind to the point that He has forbidden the Muslims to speak badly of the deities worshipped by polytheists, so that the polytheists are not led to speaking badly of Allah the One God. This is an example of the honored rank of humanity, because respect for the feelings of a human towards that which he holds sacred is a form of respect for his dignity. If the polytheists were to hear Muslims speaking ill of their deities, that might cause them to speak badly of Allah, Who is their God as well; they believe in His existence, even though they do not dedicate their worship to Him alone. In addition, if the Muslims were to speak ill of their deities, the polytheists will attempt to soothe their wounded feelings by hurting the feelings of the Muslims. Such a scenario conflicts with the dignity of both sides, and could lead to mutual rejection and hatred.[12] The words of Allah on this topic are:

> ***"Revile ye not those whom they call upon besides Allah, lest they out of spite revile Allah in their ignorance. Thus We have made alluring to each people its own doings. In the end will they return to their Lord and He shall then tell them the truth of all that they did." (Al-An'am 108.).***

Still another example of the principle of human dignity is that the Prophet Muhammad (peace and blessings of Allah upon him) ordered people to stand up for funeral processions, as is described in a *hadith* (tradition of the Prophet). He narrated:

"The Prophet stated, 'When you see a funeral, you must stand up until it has passed you by.'"[13].

On another occasion, the following happened:

"One day a funeral procession passed by and the Prophet (peace and blessings of Allah upon him) stood up. The people objected, 'But it is the funeral of a Jew,' and he responded, 'Is he not a human being?'" [14].

His Companions (may Allah be pleased with them) lived by his example. In al-Qadisiyah, a funeral passed Sahl ibn Hanif and Qays ibn Sa'd, who were sitting. They stood up, and people objected, "They are just local people," meaning *dhimmis*. The two men responded, "The Prophet (peace and blessings of Allah upon him) stood up when a funeral passed him, and when people objected that it was a Jewish funeral, he stated, 'Isn't he a human being?'" [15].

A famous incident illustrates the degree to which the *Khalifahs* of early Islam protected the dignity of non-Muslims. When 'Amr ibn al-'As (may Allah be pleased with him) was the governor of Egypt, one of his sons beat a Copt with a whip, saying, 'I am the son of a nobleman.' The Copt ended up by going to the Commander of the Faithful, 'Umar ibn al-Khattab (may Allah be pleased with him) in al-Madinah, and he lodged a complaint. These are the details of the story as told by Anas ibn Malik (may Allah be pleased with him):

"We were sitting with 'Umar ibn al-Khattab (may Allah be pleased with him) when an Egyptian came in and said, 'Commander of the Faithful, I come to you as a refugee.' So 'Umar asked him about his problem, and he answered, ' 'Amr had a custom of letting his horses run free in Egypt. One day, I came by, riding my mare. When I passed a group of people, they looked at me. Muhammad, the son of 'Amr, got up and came towards me, saying, "I swear by the Lord of the Ka'bah, that is my mare." I responded, "I swear by the Lord of the Ka'bah, the mare is mine." He came up to me and began beating me with a whip, saying, "You may take her, because I am the son of a nobleman," (*i.e.* more worthy and generous than

you). The incident got back to 'Amr, who feared that I might come to you, so he put me in jail. I escaped, and here I am before you.'".

Anas (may Allah be pleased with him) continues the story as follows:

"I swear by Allah, the only response 'Umar made was to tell the Egyptian to take a seat. Then 'Umar wrote a letter to 'Amr, saying, 'When this letter reaches you, come to me and bring your son Muhammad.' Then he told the Egyptian to stay in al-Madinah until he was told that 'Amr arrived.

"When 'Amr received the note, he called his son and asked him, 'Have you done something? Did you commit a crime?' His son stated that he had not, and 'Amr asked, 'Then why is 'Umar writing about you?' So they went to 'Umar."

Anas (may Allah be pleased with him) continues the story:

"I swear by Allah, we were sitting with 'Umar, and 'Amr arrived wearing a dirndl and a cloak [the clothing of the common people]. 'Umar looked around for the son, and saw him standing behind his father [to appear less conspicuous]. 'Umar asked, 'Where is the Egyptian?' and the Egyptian responded, 'I am here.' 'Umar said to him, 'Here is the whip; take it and beat the son of the nobleman.' So he took it and beat him vigorously, while 'Umar said over and over, 'Beat the son of the nobleman.' We did not let him stop until we were satisfied he had beaten him enough.".

"Then 'Umar said, 'Now you must take it and hit me on my bald pate. This all happened to you because of my power over you.' The Egyptian responded, 'I am satisfied, and my anger is cooled. I have beaten the one who beat me.' 'Umar told him, 'If you had beaten me, I would not have let you stop until you wished to. And you, 'Amr, since when have you made the people your slaves? They were born free.' 'Amr began to apologize, telling

him, 'I did not know that this is what happened.' So 'Umar turned back to the Egyptian, telling him, 'You may go, and be guided. If anything untoward happens to you, write to me.' "[16].

Anyone who ponders this story is amazed at the stewardship of the Commander of the Faithful, 'Umar ibn al-Khattab (may Allah be pleased with him), whose justice exemplified the famous words he spoke when he was first elected:

"The weak people shall be made strong, because I will take for them that which is their right. And the strong shall be made weak, because I will take from them that which is not rightfully theirs.".

One senses the joy of the people under his rule, because of his equity towards those who were oppressed, regardless of their social status, and because of his firmness against the oppressor, regardless of their rank.

"The value in this story is that it records how people had a sense of their humanity and dignity under the rule of Islam. Even a blow that was given unjustly was disapproved and despised. Many incidents of injustice similar to this story, and much greater, occurred at the time of the Byzantine Empire, and nobody moved to rectify them. However, under the protection of the Islamic state, we see an example of an oppressed person having a conviction of his dignity and his access to his rights so strong that he was willing to undertake the hardship and privation of a trip from Egypt to al-Madinah, because of his trust that he would find someone to listen to his complaint."[17].

2- Their right to freedom of belief:

Islam has never compelled those who do not agree with it to convert. It has declared their complete freedom to retain their own faith, and to not be forced to embrace Islam. This freedom is

documented in both the Qur'an and the noble *Sunnah*.[ii] Allah Almighty addresses His Prophet (peace and blessings of Allah upon him):

"If it had been thy Lord's Will, they would all have believed, - all of who are on earth! Wilt thou then compel mankind, against their will, to believe!" (Yunus 99).

Our Prophet Muhammad (peace and blessings of Allah upon him) used to give people a choice between entering Islam and retaining their current religion. He did so only after he had made an agreement with them in which they would become citizens of the state and feel secure about their religion, their personal safety and their property. In this way they could comprehend the security of a covenant with Allah and His Messenger. For this reason, non-Muslims are referred to as *dhimmis*.[18] Buraydah (may Allah be pleased with him) narrated:

"When the Messenger of Allah (peace and blessings of Allah upon him) sent a commander of an army or a battalion off to war, he would command him to have fear of Allah in his personal conduct, and to treat his Muslim companions well. Then he would say to him,

" 'Set out for battle only for the sake of Allah, and fight those who disbelieve in Him. Go into battle, but do not be treacherous, or commit betrayal, or mutilate, or kill children. When you meet your enemies, the unbelievers, offer them three options: 1) invite them to join Islam; if they accept, then invite them to move from their present location to the Muslim state, and inform them that if they do so, they will have the same privileges and obligations of other

ii The documented actions, statements, and tacit approval of actions of others.

Migrants.[iii] If they refuse to migrate from their lands, then inform them that they will have the same status as the nomadic peoples of Islam: they will be subject to the law of Allah, which states that they do not have a share in wealth obtained through conquest, unless they participate in the *jihad.* 2) Ask them to pay the *jizyah*, and if they agree, then accept it from them and do not do battle with them. 3) If they refuse all of this, then ask Allah for help, and do battle with them.' "[19].

These directives of the Prophet (peace and blessings of Allah upon him) are in obedience to the Word of the Almighty:

"Let there be no compulsion in religion; truth stands out clear from error: whoever rejects Taghut [iv] and believes in Allah hath grasped the most trustworthy hand-hold, that never breaks. And Allah heareth and knoweth all things."

This is the same verse of the Qur'an which was explained by the American scholar, Edwin Calgary as follows:

"There is a noble verse in Qur'an that is filled with truth and wisdom, and it is known to all Muslims. Everyone else should know it as well; it is the one that says there *is no compulsion in religion.*"[20].

This particular verse was revealed concerning some of the men of the *Ansar*; when Islam came to them, they had adult children who were Jewish or Christian. They tried to compel them to embrace the new religion, so this verse was revealed to prevent

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iii They would receive a share of money from the treasury that is distributed specifically to Migrants.

iv Here, *Taghut* means: anything worshipped other than Allah.

them from doing so.[21] Study of this verse and the history of its revelation reveals that it is not permissible to force anyone to become a Muslim. This is the case even if it is a parent, who wants the best for his offspring, or even if the children became members of another religion through an abnormal turn of fate, and their parent wishes them to leave that religion. An example that used to occur in history was that women [usually pagan] who found that none of their children survived infancy would take a vow to make the child Christian or Jewish if he lived. Even under peculiar circumstances such as these, the Qur'an rejects compulsion of anyone to join Islam.[22].

The Lord has said in the Holy Qur'an:

"Say, 'The truth is from your Lord,' let him who will believe, and let him who will, reject it. For the wrong-doers we have prepared a Fire whose (smoke and flames) like the wall and roof of a tent, will hem them in: if they implore relief they will be granted water like melted brass, that will scald their faces, how dreadful the drink! How uncomfortable a couch to recline on!" (Al-Kahf 29).

Islam does not rest with giving freedom of religious affiliation to non-Muslims; its tolerant law extends to facilitating their worship services and preservation of their places of worship. Allah Almighty has said in the Holy Qur'an:

"They are those who have been expelled from their homes in defiance of right – (for no cause) except that they say, 'Our Lord is Allah.' Did not Allah check one set of people by means of another, there would surely have been pulled down monasteries, churches, synagogues, and mosques, in which the name of Allah is commemorated in abundant measure. Allah will certainly aid those who aid His (cause); - for verily

Allah is Full of Strength, Exalted in Might (able to enforce His Will)." (Al-Hajj 40).

The *Khalifahs* used to order their military leaders who were going on *jihad* to take steps to guarantee this matter. An example is the command of Abu Bakr As-Siddiq (may Allah be pleased with him) to Usamah ibn Zayd (may Allah be pleased with them):

"I command you to do ten things: you must not kill a woman, or a child, or an elderly person; do not cut down fruit trees, or vandalize homes, or wound a sheep or camel except if you must eat it; do not drown a palm tree, or burn it, do not be treacherous; do not be cowardly; and you will pass by people who have devoted themselves to monastery life: leave them alone with their devotions.[23].

The command of 'Umar ibn Al-Khattab (may Allah be pleased with him) wrote in his treaty with the people of Iliya of Jerusalem:

"This is the security given by the servant of Allah, 'Umar, Commander of the Faithful to the people of Iliya: they are guaranteed the security of their persons, their possessions, their churches, their crucifixes, and everyone within, whether sick or well, as well as everyone in their community. Their churches will not be occupied or demolished, nor will anything be taken from them: neither furnishings nor crucifixes or money. They will not be forced away from their religion, or harmed because of it. They will not be occupied by Jewish settlers in Iliya."[24].

Since that time, the era of the rightly-guided *Khalifahs*, Jews and Christians have worshipped and held their services and celebrations in freedom and security, just as was prescribed in the covenants of Abu Bakr and 'Umar (may Allah be pleased with them), such as the treaty between 'Umar and the people of Iliya.[25].

The Muslims also preserved the churches of the Christians, and did not allow them to be damaged. In a letter to Simeon, the Archbishop of Rifardashir and leader of all of the bishops of Persia, the Nestorian Patriarch Geoff III wrote,

"The Arabs, to whom Allah has given power over all of the world, know how wealthy you are, for they live among you. In spite of this, they do not assail the Christian creed. To the contrary, they have sympathy with our religion, they venerate our priests and the saints of our Lord, and they graciously donate to our churches and monasteries."[26].

It happened that the *Khalifah* al-Walid ibn 'Abdul-Malik took the Church of John from the Christians to make it part of a mosque. When 'Umar ibn 'Abdul-'Aziz succeeded to the position of *Khalifah*, the Christians complained to him about what his predecessor Al-Walid had done with their church. So he wrote to his agent, commanding him to return to them the portion of the mosque that was rightfully theirs, if they were unable to agree with the governor on a cash settlement that would satisfy them.[27].

Historians know that the Wailing Wall in Jerusalem, considered by Jews to be one of their holiest places of worship, was completely buried under rubble and heaps of debris. When the Ottoman *Khalifah* Sultan Sulayman found out about it, he sent an order to his governor in Jerusalem for him to remove all the rubble and debris, clean the area, and make it accessible for Jews to visit.[28].

Westerners who are equitable in their views of Islam acknowledge this great tolerance, as see in the statement of Gustav LeBon:

"The tolerance of Muhammad (peace and blessings of Allah be upon him) towards the Jews and Christians was truly grand; the founders of other religions that appeared before him, Judaism and

Christianity in particular, did not prescribe such goodwill. His *Khalifahs* followed the same policy, and this tolerance has been acknowledged by skeptics and believers alike when they study the history of the Arabs in depth." [29].

Robertson wrote:

"The Muslims alone were able to integrate their zeal for their own religion with tolerance for followers of other religions. Even when they bore their swords into battle for freedom for their religion to spread, they left those who did not desire it free to adhere to their own religious teachings."[30].

The English orientalist Sir Thomas Arnold wrote:

"We never heard a report of any planned attempt to compel the non-Muslim minorities to accept Islam, or any organized persecution aimed at uprooting the Christian religion. If any of the *Khalifahs* had chosen either of these policies, they could have overwhelmed Christianity with the same ease with which Ferdinand and Isabella exiled Islam from Spain, or with which Louis XIV made following Protestantism a punishable crime in France, or with which the Jews were exiled from England for 350 years.

"At that time, Eastern churches were completely isolated from the rest of the Christian world. They had no supporters in the world, as they were considered heretical sects of Christianity. Their very existence to this day is the strongest evidence of the policy of Islamic governments of tolerance towards them."[31].

The American author Lothrop Stoddard wrote:

"The *Khalifah* 'Umar took the utmost care to tend to the sanctity of the Christian holy places, and those who became *Khalifah* after him followed in his footsteps. They did not harass

the many denominations of pilgrims who came annually from every corner of the Christian world to visit Jerusalem."[32].

The reality is that non-Muslims were treated with more tolerance among the Muslims than anything they experienced with other sects of their own religions. Richard Stebbins spoke of the Christian experience under the rule of the Turks:

"They [the Turks] allowed all of them, Roman Catholics and Greek Orthodox, to preserve their religion and follow their consciences as they chose: they allowed them their churches to perform their sacred rituals in Constantinople and many other places. This is in contrast to what I can testify to from living in Spain for twelve years: not only were we forced to attend their Papist celebrations, but also our lives and the lives of our grandchildren were in danger."[33].

Thomas Arnold mentions in *Invitation to Islam* that there were many people in Italy at that time who longed for Ottoman rule: they wished that they could be granted the same freedom and tolerance that the Ottomans gave to their Christian subjects, for they had despaired of achieving it under any Christian government.[34] Arnold also mentions that great numbers of Jews fled persecution in Spain at the end of the 15th century and took refuge in Turkey.

This point is worthy of restatement: the existence of non-Muslims for centuries in Syria, Egypt, and Moorish Spain are a clear indication of the tolerance of Islam. This tolerance even led to the elimination of Islam in some countries such as Spain, where the remaining Christians took advantage of weakness that befallen the Muslims. They attacked them, and wiped them out by killing and expelling them. Etienne Denier wrote:

"The Muslims are the opposite of what many people believe: they never used force outside of the Hijaz.[i] The presence of Christians was evidence of this fact: they retained their religion in complete security during the eight centuries that the Muslims ruled their lands. Some of them held high posts in the palace in Cordoba, but when these same Christians obtained power over the country, suddenly their first concern was to exterminate the Muslims."[35].

3- Their right to follow their religious laws[36]:

Another facet of the tolerance of Islam towards its non-Muslim citizens is that it never compelled them to be governed by its religious laws. It exempted them from paying the *zakat*,[ii] which is one of the foundation pillars of Islam. *Zakat* is so essential that if one refuses to pay it and denies that it is an obligation, he is considered an unbeliever at war with the faith. In addition, Islam did not make military service in *jihad* (the crown jewel of religious obligations) with the Muslims an obligation for non-Muslims, even though this service benefits Muslim and non-Muslim citizens alike.

In exchange for these two exemptions, the non-Muslims pay a modest tax known in Islam as the *jizyah*. Sir Thomas Arnold wrote:

"This *jizyah* was so light that it did not constitute a burden on them, especially when we observe that it exempted them from

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i The area of Arabia containing Makkah, al-Madinah, and a number of other towns and cities in western Arabia.

ii The share of a Muslim's wealth that he/she is obliged to pay annually to the treasury or give in charity.

compulsory military service that was an obligation for their brother citizens, the Muslims."[37].

Islam also permitted non-Muslims to base their community life (personal status) on their own religious regulations in marriage, divorce, and matters of that nature. In issues of criminal justice, the scholars of Islamic law declared that sentences could only be passed upon non-Muslims in matters that they also considered a sin, such as theft or adultery, but not in matters that they held permissible, such as drinking wine or eating the flesh of swine.[38].

The Commander of the Faithful, 'Umar ibn 'Abdul-'Aziz (may Allah be pleased with him) found it difficult to accept the how the non-Muslims, in their social codes, seemed to go against everything the Muslims believed, and how they continued to follow the regulations of their religion, which was so different from Islam. So he wrote a letter to the Imam Al-Hasan Al-Basri (may Allah have mercy on him), seeking his legal counsel, saying:

"How is it that the rightly-guided *Khalifahs* [before us] left the People of the covenant living as they did, marrying close relatives, and keeping wine and pigs?".

So Al-Hasan Al-Basri (may Allah have mercy on him) wrote back in reply:

"They paid the *jizyah* so that they could be left practicing what they believed, and you may only follow the law, not invent something new. Peace."[39].

Based on this law, the People of the covenant had their own courts in which they settled matters if they wished; if not, they could resort to the Islamic justice system, as has been recorded in history. If they went to Muslims to settle their affairs, the Muslims were obligated to judge equitably. In the Holy Qur'an, Allah

Almighty commanded His noble Messenger, Muhammad (peace and blessings of Allah upon him):

"If they do come to thee, either judge between them, or decline t interfere. If thou decline, they cannot hurt thee in the least. If thou judge, judge in Equity between them. For Allah loveth those who judge in equity." (Al-Ma'idah 42.).

The Western historian, Adam Metz, said in *Islamic Civilization in the Fourth Century of the Hijrah*:

"Since the Islamic law was specifically for Muslims, the Islamic state allowed the people of other religious affiliations to go to their own courts. What we know about those courts is that they were church courts, and prominent spiritual leaders were the chief justices. They wrote a great number of books on canon law, and their rulings were not confined to matters of personal status. They included such problems as inheritance and much of the litigation between Christians that did not involve the state.[40].

It is clear from all of this that Islam did not punish non-Muslims for doing what they viewed as permissible according to their religious law, such as drinking wine or eating the flesh of swine, even though such things are forbidden in Islamic law.

There is no doubt that this Islamic tolerance towards those who do not agree with it is unparalleled in any other religious legislation, government, or system. Gustav LeBon says in *The Civilization of the Arabs*:

"The Arabs could have easily been blinded by their first conquests, and committed the injustices that are usually committed by conquerors; they could have mistreated their defeated opponents, or forced them to embrace their religion, which they wished to spread over all the world.

"But the Arabs avoided that. The early *Khalifahs*, who had a political genius that was rare in proponents of new religions, realized that religions and systems are not imposed by force. So they treated the people of Syria, Egypt, Spain, and every country they took over with great kindness, as we have seen. They left their laws, regulations, and beliefs intact, and only imposed on them the *jizyah*, which was paltry when compared to what they had been paying in taxes previously, in exchange for maintaining their security. The truth is that nations had never known conquerors more tolerant than the Muslims, or a religion more tolerant than Islam."[41].

4- Their right to justice:

Islam is the religion of justice; Allah Almighty has demanded that we use a just measure in all affairs, so everyone acts equitably, and is cautious to not fall into oppressive ways. Allah Almighty has said:

"And the firmament has He raised high, and He has set up the Balance (of Justice) ye may not transgress (due) balance. So establish weight with justice and fall not short in the balance." (Ar-Rahman 7-10).

He also said:

"We sent aforetime Our messengers with clear signs and sent down with them the Book and the Balance (of right and wrong), that men may stand forth in justice; and We sent down iron, in which is great might, as well as many benefits for mankind, that Allah may test who it is that will help, unseen, Him and His messengers: for Allah is Full of Strength, Exalted in Might." (Al-Hadid 25).

He has ordered the Muslims to act equitably in all matters, even if equity means a loss to themselves or to those closest to them, as is stated in this verse:

"O ye who believe! Stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin, and whether it be (against) rich or poor: for Allah can best protect both. Follow not the lusts (of your hearts), lest ye swerve, and if ye distort (justice) or decline to do justice, verily Allah is well-acquainted with all that ye do."(An-Nisa' 135).

And the Almighty has made governing with justice an obligation at all times, as He stated in the following verse:

"Allah doth command you to render back your trusts to those to whom they are due; and when you judge between people that ye judge with justice: verily how excellent is the teaching which He giveth you! For Allah is He Who heareth and seeth all things." (An-Nisa' 58).

Serving justice is such a strong obligation that it must occur even if it is in favor of enemies and at the expense of one's own family and loved ones, for Allah Almighty has said:

"O ye who believe! Stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to piety: and fear Allah. For Allah is well-acquainted with all that ye do." (Al-Ma'idah 8).

Justice to non-Muslims is broad: just as Islam gives them the right to go before their own courts, it also guarantees them equality in seeking justice with Muslims, if they choose to take their case before an Islamic court. Allah has said:

"If they do come to thee, either judge between them, or decline to interfere. If thou decline, they cannot hurt thee in the least. If thou judge, judge in equity between them. For Allah loveth those who judge in equity." (Al-Ma'idah 42).

If a Muslim were to steal from a *dhimmi*, he would have his hand cut off, just as if a *dhimmi* had stolen from him. In the same

manner, a Muslim will receive a sentence for defamation if he slanders a man or woman of the People of the Covenant.[42].

History has recorded shining examples of the justice with which Muslims treated non-Muslims, and following are some of the more famous examples:

There was a man from the *Ansar* named Ta'imah ibn Ubayriq, who was a tribesman from the clan of Banu Dhufar ibn Al-Harith. He stole a suit of mail from a neighbor of his named Qutadah ibn An-Nu'man. The suit of mail had been in a sack in which there was some flour, and some of the flour leaked out of the sack through a hole, leaving a trail up to his home. Then Ta'imah hid the suit of mail in the house of a Jewish man named Zayd ibn As-Samin. When people searched for the stolen suit of mail, they went to the home of Ta'imah and they did not find it there. He swore to them that he had not taken it, and he knew nothing about it. The owners swore that they had recognized him breaking into their home at night, and that they had followed the trail of flour that had led them to his house. When he swore to them that it was not he who had taken it, they left him, and looked for more clues until they found flour leading to the home of the Jewish man, and arrested him. He told them that Ta'imah ibn Ubayriq had left the suit of mail with him, and some Jewish people corroborated his statement. Banu Dhufar (the clan of Ta'imah) agreed to send a few of their own people to the Messenger of Allah (peace and blessings of Allah upon him), to tell him their story and ask him to defend their clansman. They told him,

"If you do not defend him, our clansman will lose his reputation and be punished severely, and the Jew will go free."

The Prophet (peace and blessings of Allah upon him) believed them, and was about to punish the Jewish man, when Allah Almighty revealed the following verses to vindicate the Jew and to

excoriate those who had unlawfully accused him.[43] These verses have been recited in worship countless times, and will continue to be recited for all time, so that justice will remain the path for Muslims, and they will follow it for all people, Muslims and non-Muslims alike. The Almighty said:

> ***"We have sent down to thee the Book in truth, that thou mightest judge between people by that which Allah has shown thee; so be not an advocate for those who betray their trust; but seek the forgiveness of Allah; for Allah is Oft-forgiving, Most Merciful. Contend not on behalf of such as betray their own souls; for Allah loveth not one given to perfidy and sin: - They seek to hide themselves from the people but they cannot hide from Allah, while He is with them when they plot by night. In words that He cannot approve: and Allah doth compass round all that they do. Ah! These are the sort of men on whose behalf ye may contend in this world; but who will contend with Allah on their behalf on the Day of Judgment, or who will carry their affairs through?" (An-Nisa' 105-109).***

The story of the Copt and 'Amr ibn Al-'As (may Allah be pleased with him) has been related above;[44] in brief, the events were as follows: when 'Amr was the governor of Egypt, one of his sons beat a Copt with a whip, saying, "I am the son of a nobleman." The Copt traveled to Al-Madinah to lodge a complaint with the Commander of the Faithful, 'Umar ibn Al-Khattab (may Allah be pleased with him). So the *Khalifah* summoned 'Amr (may Allah be pleased with him) and his son, and gave the whip to the Copt, telling him to beat the "son of a nobleman." After the Copt did so, 'Umar (may Allah be pleased with him) told him to beat him over his head, explaining to him that he had suffered injustice because of the leadership. When the Copt refused, saying that he had already

punished the person who had beaten him, the *Khalifah* turned to 'Amr (may Allah be pleased with him), and scolded him, telling him that he had no right to treat a people who were free as if they were slaves.

Another story tells of a dispute between 'Ali ibn Abi Talib (may Allah be pleased with him), when he was the *Khalifah*, and a Jewish man, who went to the judge Shurayh ibn Al-Harith Al-Kindi. Shurayh tells the details of the event:

"When 'Ali (may Allah be pleased with him) set out to do battle against Mu'awiyah (may Allah be pleased with him), he found that he was missing a suit of mail, so he went back to Al-Kufah and found it in the hands of a Jewish man who was selling it in the market. He said,

" 'O Jew! That suit of mail is mine: I did not give it away or sell it.'

"The Jew said,

" 'It is mine; it is in my possession.'

" 'Ali said,

" 'We will have the judge rule on this for us.'

[Shurayh said],

"So they came to me, and 'Ali sat next to me, and said,

" 'That suit of mail is mine: I did not give it away or sell it.'

The Jew sat in front of me, and said,

" 'That is my suit of mail. It is in my possession.'

"I asked,

" 'Commander of the Faithful, do you have any proof?'

" 'Yes, I have two witnesses: my son Al-Hasan and Qanbar can testify that it is my suit of mail.'

"I said,

" 'Commander of the Faithful, the testimony of a son in his father's favor is not admissible in court.'

" 'Ali exclaimed,

" 'Glory be to Allah! You cannot accept the testimony of a man who has been promised Paradise? I heard the Messenger of Allah (peace and blessings of Allah upon him) saying that Al-Hasan and Al-Husayn are the princes of all the youths in Paradise.[45]'.

"The Jewish man said,

" 'The Commander of the Faithful takes me before his own judge, and the judge rules in my favor against him? I bear witness that there is no deity but Allah, and that Muhammad is His servant and Messenger, and that the suit of armor is yours, Commander of the Faithful. You dropped it at night and I found it.'"[46].

Another story is told by the historian Ibn Al-Athir[47] about the commander 'Imad Ad-Din Zangi. He entered the town of Jazirat Ibn 'Umar during the winter. He stayed at the fortress, while the army camped in tents. One of his more prominent officers was 'Izz Ad-Din Abu Bakr Ad-Dabisi, whose opinion he valued. This officer commandeered the home of a Jewish man for his own lodging. The Jewish man sought out 'Imad Ad-Din, and called out to him while he was riding by. 'Imad Ad-Din asked him what the matter was, and listened to the story while Ad-Dabisi stood next to him. When 'Imad had heard the whole story, he said nothing, but gazed wrathfully at Ad-Dabisi, who backed away, returned to town, and ordered his tents to be set up outside of town, even though the ground was full of mud from the rain and the army passing over it. This was done in justice to the Jewish man whose home had been wrongfully commandeered.

The most amazing story of the justice of Muslims towards non-Muslims is about the military leader Qutaybah ibn Muslim Al-Bahili (may Allah have mercy on him), the conqueror of Transoxania and China. When he captured the city of Samarkand, he did not offer its people the choice of becoming Muslim, making a covenant, or fighting. Twenty years after the conquest, 'Umar ibn 'Abdul-'Aziz (may Allah be pleased with him) became *Khalifah*, and the people of Samarkand heard about his scrupulous sense of justice. So they sent a delegation of people to him, and the delegation lodged a complaint against Qutaybah, who had died. They said,

"Qutaybah did not offer us the choices that the law of Islam requires."

So 'Umar (may Allah be pleased with him) wrote to his governor over Samarkand and ordered him and the army to leave Samarkand, and to offer its people the three choices. When the Muslims left the city, most of its inhabitants were so amazed that they embraced Islam.[48].

It is worth noting that the Muslim population was aware of the rights of the non-Muslim population, and if the ruler did not uphold them, the subjects would be the first to demand equity for them, and to have injustice halted. An example of this is when the Umayyad *Khalifah* Al-Walid ibn Yazid exiled the People of the Covenant from Cyprus and resettled them in Syria. The scholars of religion and law were furious with him, and considered his action to be oppressive and hostile. When his son Yazid became *Khalifah*, the scholars addressed him about repatriating the Cypriots, because they knew him to be a just man. He agreed, and because of this event, he was considered to be one of the two most just *Khalifah*s of the Umayyad dynasty, the other being 'Umar ibn 'Abdul-'Aziz (may Allah be pleased with him).[49].

Another stellar example of the justice of Muslims towards others is told in *Non-Muslims in Muslim Society*:

The Abbasid governor of Lebanon, Salih ibn 'Ali ibn 'Abdullah ibn 'Abbas, at one point forced a village of People of the Covenant to leave their lands because some of them had refused to pay the land tax. This governor was one of the close relatives and favored courtiers of the *Khalifah*. The Imam Al-Awza'i wrote him a long letter of protest. Some of it was as follows:

"How can you collectively punish people for the misdeeds of a few of them, going so far as to expel them from their homes? The law of the Almighty states,

" 'Namely, that no bearer of burdens can bear the burden of another.' (An-Najm 38).

"It is the most compelling evidence to consider, and to follow. And the most compelling of the commandments of the Prophet (peace and blessings of Allah upon him) to preserve and follow is when he said:

" 'If anyone oppresses a *dhimmi* or burdens him with something too great for him, I will argue against him [the oppressor].'[50].

"...they are not slaves, which would make it permissible to move them from one country to another. They are free People of the covenant."[51].

The justice of Islam towards non-Muslims in every time and place is unparalleled in other religions, nations, or governments. Scholars and statesmen from the world over have left record of their recognition of this fact in history books, so others can realize the truth. The famous British historian, H.G. Wells, wrote the following about the teachings of Islam:

"They established great traditions of just interaction. They inspire people with a spirit of generosity and tolerance, and are humanitarian and practical. They created a humane community in which it was rare to see cruelty and social injustice, unlike any community that came before it."[52].

Sir Thomas Arnold discusses the strife between feuding Christian sects, who were always at each other's throats during the first centuries of Islamic rule:

"Islamic principles of tolerance forbade these actions, that always involved some oppression. Muslims were the opposite of others, and it appears that they spared no effort in treating all of their Christian subjects with justice and equity. An example was after the conquest of Egypt, when the Jacobites took advantage of the removal of the Byzantine authorities to dispossess the Orthodox Christians of their churches. The Muslims returned them to their rightful owners when the Orthodox Christians presented them with proof of ownership."[53].

The Sicilian orientalist Amari wrote:

"At the time of the Muslim Arab rulers, the conquered inhabitants of the island [Sicily] were comfortable and contented when compared to their Italian brothers, who were collapsing under the yoke of the Langiornanis and the Franks.[54].

Nadhmi Luqa wrote:

"No law can eradicate injustice and prejudice better than one that states,

" '...let not the hatred of others to you make you swerve to wrong and depart from justice.' (Al-Ma'idah 8).

"Only when a person holds himself to this standard, and settles for no other, and devotes himself to a religions with these lofty

principles and rectitude, and accepts no other; only then can he claim to have honored himself."[55].

5- Their right to the security of their lives, their property, and their honor:

Islam protects basic human rights for all people. These rights include preservation of the life, person, property, and honor. Muslims and non-Muslims are equal in this right, whether they are citizens or visitors. These are sacred rights that are carefully guarded, and cannot be abrogated for any reason except by law. It is not permissible to kill a non-Muslim unless he is sentenced for murder or a capital crime, because Allah Almighty has said:

"Say: 'Come, I will rehearse what Allah hath (really) prohibited you from:' join not anything as equal with Him; be good to your parents; kill not your children on a plea of want – We provide sustenance for you and for them – come not nigh to shameful deeds, whether open or secret; take not life, which Allah hath made sacred, except by way of justice and law: thus doth He command you, that ye may learn wisdom." (Al-An'am 151).

And He has said:

"On that account: We ordained for the children of Israel that if any one slew a person – unless it be for murder or for spreading mischief in the land – it would be as if he slew the whole people. And if any one saved a life, it would be as if he saved the life of the whole people."(Al-Ma'idah 32).

Our Prophet (peace and blessings of Allah upon him) said in his sermon on the Day of Arafah:

"Your blood, your property, and your honor are all sacred: as sacred as this [holy] day of yours, your city, and this [sacred] month."[56].

This sanctity is not for Muslims alone, because the Prophet (peace and blessings of Allah upon him) also said:

"Whoever kills a person with whom we have a treaty will not even come close enough to Paradise to smell its scent, and its scent can be found at a distance of forty years of travel."[57].

It is not allowed to harm a non-Muslim for no cause, in any manner, such as violating his honor, transgressing against his property, assaulting him, or killing him without legal right. It has been recorded in more than one source that one of the Muslims killed a man from the People of the Covenant, and the case was brought before the Prophet Muhammad (peace and blessings of Allah upon him), who said,

"I am the one most obligated to fulfill his covenant," and ordered the murderer to be executed.[58].

When 'Umar ibn Al-Khattab (may Allah be pleased with him) was the *Khalifah*, a man from the tribe of Banu Bakr ibn Wa'il killed a man from the People of the Covenant in al-Hirah. 'Umar (may Allah be pleased with him) ordered the murderer to be delivered to the guardians of the dead man so that he could be executed, and he was.[59].

A man who had killed a person from the People of the Covenant was brought before the rightly-guided *Khalifah* 'Ali ibn Abi Talib (may Allah be pleased with him). His guilt was proven, and the *Khalifah* ordered that the man be executed. The dead man's brother came forth, and asked that he not be executed, saying that

he had forgiven him. The *Khalifah* questioned him, asking if he had been threatened or intimidated. He said,

"No, but killing him will not bring my brother back. Pay me a settlement as compensation, and I will be satisfied.".

The *Khalifah* responded,

"You know best. If we have made our covenant with someone, his blood is of the same value as ours, and his compensation is the same amount as ours." In another version of the same event, the *Khalifah* said,

"They have paid the *jizyah* so that their lives and property are of the same value as ours."[60].

Even war in Islam, known as *jihad*, can only occur for valid reasons and moral goals. It can only take place for the following reasons:

1- As a response to an act of aggression, as stated by Allah:

"Fight in the cause of Allah those who fight you but do not transgress limits; for Allah loveth not transgressors." (Al-Baqarah 190).

He has also said:

"The prohibited month for the prohibited month, - and so for all things prohibited, - there is the law of equality. If then any one transgresses the prohibition against you, transgress ye likewise against him. But fear Allah, and know that Allah is with those who restrain themselves." (Al-Baqarah 194).

2- As a penalty for those who break a treaty or violate a truce, as is said by Allah Almighty:

"But if they violate their oaths after their covenant, and attack your faith, - fight ye the chiefs of unfaith; for their

oaths are nothing to them: that thus they may be restrained." (At-Tawbah 12).

3- As a deterrent to those who prevent missionaries of the faith from traveling to the people, as is stated by Allah Almighty:

> ***"And fight them on until there is no more persecution and the religion becomes Allah's. But if they cease, let there be no hostility except to those who practise oppression." (Al-Baqarah 193).***

4- To assist people who are being oppressed, with the goal of relieving their oppression, as stated by the Almighty:

> ***"And why should ye not fight in the cause of Allah and of those who, being weak, are ill-treated (and oppressed)? – Men, women, and children, whose cry is: "Our Lord! Rescue us from this town, whose people are oppressors; and raise for us from Thee one who will protect; and raise for us from Thee one who will help!" (An-Nisa' 75).***

Vijay Roderick, from India, writes:

"Islam permitted its Messenger to perform *jihad* to remove injustice and oppression, and to remove obstacles that stood in the way of its missionaries. These missionaries did not compel anyone to join Islam; rather, they invited them to do so, and left them complete freedom of choice. For this reason, whenever people entered Islam, they clung to it, and were its fiercest defenders. Islam is the religion of peace: peace with God, and peace with all people."[61].

The right to relief from oppression also applies to the property of non-Muslims. If someone steals their property, he will have his hand cut off; if someone takes advantage of them, he will be punished; and if anyone borrows from them, they must repay it, and will be punished if they do not do so on time. Khalid ibn Al-Walid

(may Allah be pleased with him) reported that the Messenger of Allah (peace and blessings of Allah upon him) said,

"You must know that it is not lawful for you to take the property of the People of the Covenant unless it is [in payment] for something."[62].

When Ahmad ibn Tulun was the ruler of Egypt, a commander was the governor of one of its cities. One day, a Christian monk entered the palace of Ahmad ibn Tulun to lodge a complaint against the governor. One of the guards noticed him, and asked him what the problem was. The monk said,

"He oppressed me: he took 300 *dinar*s from me."

"Don't lodge a complaint," said the guard, "I'll give them to you." The guard took him to his house, and gave him the money. The monk was satisfied, and rushed back home.

The story got back to Ahmad ibn Tulun, who ordered for the governor, the guard, and the monk to be brought before him. First, he addressed the governor, asking,

"Don't you have all your needs taken care of, and an ample income? And you have no want that could justify taking from others?".

The governor could only agree, and Ahmad ibn Tulun continued,

"So what made you do this?" and ordered him to be removed from his post as governor. Then he turned to the Christian monk, and asked how much the governor took from him. The monk said that it was 300 *dinar*s, and Ahmad ibn Tulun said,

"It is too bad you did not say three thousand; he needs a larger punishment, but I can only base it on your statement," and took the money from the governor, and gave it to the monk.[63].

Non-Muslims also have the right to protection of their honor, and protection from harm and evil gossip. By having a covenant with the Muslims, they have the same rights to protection.[64] These rights are due not only to citizens: they are also the rights of anyone seeking their temporary protection. Such people also have the right to security, protection, and care. Allah Almighty has said:

"If one amongst the pagans ask thee for asylum, grant it to him, so that he may hear the word of Allah; and then escort him to where he can be secure, that is because they are men without knowledge." (At-Tawbah 6).

The right to asylum in Islam places an obligation on all Muslims, as in the *Hadith* narrated by 'Ali ibn Abi Talib, who reported that the Messenger of Allah (peace and blessings of Allah be upon him) said:

"The obligation imposed by the covenant is communal, and the nearest Muslim must strive to fulfill it; anyone who violates the protection granted by a Muslim will be under the curse of Allah, the angels, and all people, and on the Day of Judgment no intercession or plea will be accepted on his behalf."[65].

Another version of this same report also adds:

"And the Muslim who is nearest must give protection from all of them."[66].

For this reason, when the Companion Umm Hani' bint Abi Talib (may Allah be pleased with her) said to the Prophet (peace and blessings of Allah be upon him),

"Messenger of Allah, my brother 'Ali claims that he is at war with a man to whom I have granted asylum, someone with the name Ibn Hubayrah.".

The Prophet (peace and blessings of Allah be upon him) answered her,

"Anyone to whom you have given asylum is under the protection of all of us, Umm Hani'."[67].

This right to protection is one of the noble virtues of Islam. It explicitly requires Muslims to give asylum and security to a non-Muslim who seeks it, and warns of a severe punishment to anyone who violates it. It prevents any aggression or attack on anyone who has been given a promise of security, and is not granted by any other religion.

6- Their right to protection from aggression [68]:

One of the rights of non-Muslims that cannot be taken lightly is that the Islamic state must protect any of them living in its territory from any external enemy who wishes to do them harm, since they have the general rights of any Muslim citizen. Their payment of the *jizyah* entitles them to protection from harm, and defense against any aggression, and ransom of any of them who are taken as prisoners by an enemy.

The great scholar of Islam, Ibn Hazm, wrote of this obligation:

"If we are attacked by an enemy nation who is targeting the People of the Covenant living with us, it is our obligation to come fully armed and ready to die in battle for them, to protect those people who are under the protection of the Covenant of Allah and His Messenger (peace and blessings of Allah upon him). To do any less and surrender them would be blameworthy neglect of a sacred promise."[69].

There are many examples recorded in history that show the Muslims doing precisely as they were ordered. An event worth telling is described by Abu Yusuf (may Allah have mercy on him)

concerning the venerable Companion, Abu 'Ubaydah 'Amir ibn Al-Jarrah (may Allah be pleased with him).[70] He was the leader of the Islamic army that conquered the Syria, and he made an agreement with the people of Syria for them to pay the *jizyah*. When the People of the Covenant realized how loyal the Muslims were to them, they became fierce in their resistance to the Muslims' enemy, and aided the Muslims against them.

The inhabitants of each town that had a truce agreement with the Muslims sent some of their own people to work as spies against the Byzantines and their ruler, and to discover what they were plotting. Each secret envoy returned to his town with the information that the Byzantines had amassed a huge army, so the heads of the towns went to the commanders whom Abu 'Ubaydah (may Allah be pleased with him) had appointed as his deputies. One after the other, the deputies conveyed the information to Abu 'Ubaydah (may Allah be pleased with him), who, along with the Muslims, grew increasingly more concerned. Finally Abu 'Ubaydah (may Allah be pleased with him) wrote a letter to each of the deputies in the towns where he had made the peace agreement, and ordered them to return to the people all the money that had been collected as *jizyah* and land taxes. He also told them to convey to the townspeople,

"We are returning your money to you, because news has reached us of the armies awaiting us. One of the conditions of our agreement is that we protect you, and we are unable to do so, so we are returning what we have taken from you. If Allah does grant us victory, we will stand by our agreement with you.".

When the deputies returned the money, and conveyed the message of Abu 'Ubaydah (may Allah be pleased with him) to them, they answered,

"May Allah bring you back safely to us, and may He grant you victory. If the Byzantines had been in your position, they would have returned nothing; they would have taken all that we owned and left nothing for us.".

When the two armies met in battle, there was fierce fighting, and heavy losses on both sides, and then Allah granted victory to the Muslims. When the people of the towns who had not made a treaty with Abu 'Ubaydah (may Allah be pleased with him) saw how badly their compatriots had been defeated in battle, they sent envoys to negotiate for a truce. He granted them a truce, with all of the rights of those who had made the first treaties. In addition, they requested that the defeated Byzantines who were hiding among them be given safe passage with their families and possessions back to Byzantium, and a guarantee they would not be harmed. Abu 'Ubaydah (may Allah be pleased with him) agreed to the conditions, so they sent him the *jizyah* and opened the gates of their towns to him.

Then Abu 'Ubaydah (may Allah be pleased with him) set out for home. During his return journey, every time he passed a town with which he had not made a treaty, its inhabitants would send their leaders requesting one, and he complied, granting them the same conditions as in his first treaties in a written document. Whenever he passed one of the towns where he had previously made a treaty and whose governor had returned the people's *jizyah* and land tax, the people came out to the shops and bazaars to return the money to him, so that the original treaty would remain unchanged.

Another shining example of Islam's defense of its non-Muslim citizens is the stance taken by the premier scholar of Islam, Ibn Taymiyah, when the Tatars overran Syria. Ibn Taymiyah went to their leader Qultusha to plead for the release of prisoners, and the

Tatar leader agreed to release the Muslim prisoners. Ibn Taymiyah protested,

"We will only be satisfied with the release of all of the Jewish and Christian prisoners; they are the People of our Covenant. We do not abandon a prisoner, whether of our own people or those of the covenant." He persisted in his demand until the Tatar leader released them all.[71].

Protection of non-Muslims from external aggressors is a duty; protection form internal attacks is an even higher priority, as stated by Al-Mawardi:

"Their [the People of the Covenant] payment of the jizyah makes two things their right: first, that they be left undisturbed, and second, that they be guarded and protected. In this way they can be secure in the community, and protected from outside dangers."[72].

To abandon the protection of non-Muslim subjects would be a severe form of oppression, and Islam is a religion that combats all forms of oppression. Allah Almighty said in the Holy Qur'an:

"And whoever among you does wrong, him shall We cause to taste of a grievous penalty." (Al-Furqan 19).

The Messenger of Allah (peace and blessings of Allah upon him) stated that Allah has declared in a *Hadith Qudsi*:

"O My servants! I have made oppression forbidden to Myself, and I have made it forbidden between you, so do not oppress."[73].

For this reason, harming or oppressing the People of the Covenant is considered to be a serious sin. Upholding the treaty with them is an obligation for the *Khalifah* of the Muslims, and his representatives must follow through with implementing it. The Messenger of Allah (peace and blessings of Allah upon him)

considered harming them to be a grievous offense against Allah, and said:

"If someone harms a *dhimmi*, he can consider himself to have harmed me; if someone harms me, then he has tried to act harmfully towards Allah."[74].

The Prophet (peace and blessings of Allah upon him) promised to argue on the Day of Judgment on behalf of any *dhimmi* against anyone who had harmed them. He said,

"If someone harms a *dhimmi*, then I am his opponent; if I am his opponent, I will oppose him on the Day of Judgment."[75] Another version of this hadith is worded as follows:

"You must know that if someone oppresses a person with whom we have a treaty [a *dhimmi*], imposes upon him beyond his limits, or takes something from him against his will, I will argue against him [the oppressor] on the Day of Judgment."[76].

It is very clear from all of the above evidence that we are obligated to protect the People of the Covenant from all forms of harm. Al-Qarafi wrote:

"The covenant is a contract that has conditions that are compulsory for us, because they are under our protection as neighbors, and in our safe-keeping and the covenant of Allah Almighty, and the covenant of His Messenger (peace and blessings of Allah upon him) and the religion of Islam. If someone harms them with inappropriate speech, defamation, any sort of hurt, or is an accomplice to such actions, then he has made light of the covenant of Allah, His Messenger (peace and blessings of Allah upon him), and Islam."[77].

Because of his concern for this issue, the Commander of the Faithful 'Umar ibn Al-Khattab (may Allah be pleased with him)

used to ask visitors who were coming from the provinces about the situation of the People of the Covenant there, and they would tell him,

"We know that the treaty is still being upheld."[78].

When he was on his deathbed, 'Umar (may Allah be pleased with him) commanded that the People of the Covenant continue to be treated well. Abu Yusuf reports that 'Amr ibn Maymun (may Allah have mercy on both of them) quotes 'Umar (may Allah be pleased with him) as having said:

"Command whoever becomes *Khalifah* after me to treat the people of the covenant well, to uphold the treaty, to fight anyone who seeks to do them harm, and to not overburden them."[79].

This is an indicator of the solemnity with which Islam views the rights of the people of the covenant. Muslims, especially their leaders, view any infringement of these rights as a serious crime, because it is an infringement of the law that Allah has prescribed for us.

7- Their right to good treatment:

The Qur'an is the venerated basis for interactions with non-Muslims, and it has made clear that they must be treated well. Interactions must be based on charity and generosity of spirit, as long as non-Muslims do not show overt hostility to us. Allah Almighty has said:

"Allah forbids you not with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loveth those who are just. Allah only forbids you with regard to those who fight you for (your) faith, and drive you out of your homes, and support (others) on driving you out, from turning to them

(for friendship and protection). It is such [Muslims] as turn to them that do wrong." (Al-Mumtahana 8-9).

In these verses, *dealing kindly* has a meaning much greater than "good treatment," being much deeper and more inclusive. The Imam Al-Qurafi defines it as follows:

"Gentleness towards the weak, fulfilling the needs of the poor, feeding the hungry, providing clothing to cover them, and soft speech with them. This must be done with affection and mercy, not in a spirit of intimidation and degradation. [Further], tolerating the fact that they may be noxious neighbors whom you could force to move, but you do not, out of kindness towards them, not out of fear or economic motives. Also, praying that they receive guidance, and join the ranks of those blessed with eternal reward, advising them virtuously in all worldly and spiritual matters, protecting their reputation if they are exposed to slander, and defense of their property, families, rights, and concerns. They must be assisted in resisting oppression and getting access to their rights."[80].

The divine order from the Almighty to treat non-Muslims in this manner was not merely words on paper that were recited but not acted upon. The order was transformed into a pattern of behavior that extended from the Prophet (peace and blessings of Allah upon him), his *Khalifah*s (may Allah be pleased with him), the governors of the Muslims, to the general population of believers. The biography of the Prophet (peace and blessings of Allah upon him) gives splendid examples of his interactions with non-Muslims. Some of his neighbors were non-Muslims, and he made a habit of generosity to them; he would give them gifts, and accept their gifts in return, even though a Jewish woman once sent him a poisoned lamb shank. He would visit them when they were ill, give them charity, and trust them in commercial transactions. There was a family of Jewish people to whom he regularly gave

charity, and the Muslim community assumed and maintained this commitment after he died.[81].

Abu Qutadah (may Allah have mercy on him) related that when a delegation of Abyssinian Christians went to al-Madinah, the Prophet (peace and blessings of Allah upon him) had lodged them at his mosque, and performed all the duties of a host, including personally serving them their food. This special treatment of the Abyssinians was out of loyalty and gratitude towards them, and he said,

"They were generous to our companions, so I wish to be generous to them in person," referring to the time when they had hosted a number of his Companions (may Allah be pleased with them) who had fled to Abyssinia to escape persecution.[82].

The Prophet (peace and blessings of Allah upon him) also trained his Companions (may Allah be pleased with them) to treat non-Muslims kindly. Ibn Kathir describes the following event:

"A Jewish man named Zayd ibn Sa'nah came to the Prophet (peace and blessings of Allah upon him) to demand repayment of a debt. He grabbed the Prophet (peace and blessings of Allah upon him) by his robe and cloak, dragged him close to his own menacing face, and harshly addressed him:

" 'Muhammad, aren't you going to give me my due? You and your clan Banu Al-Muttalib never pay your debts on time!'

" 'Umar ibn Al-Khattab (may Allah be pleased with him) saw this scene, and his eyes bulged with wrath as he threatened,

" 'Enemy of Allah! Am I really hearing what you just said to the Prophet of Allah (peace and blessings of Allah upon him)? I swear by the One Who sent him in truth, if I were not afraid that he would blame me, I would take this sword and cut your head off!'

"The Prophet (peace and blessings of Allah upon him) responded by looking calmly at 'Umar, smiling, and saying,

" 'Umar, that is not what we needed to hear from you. You should have counseled me to pay my debts in a timely manner, and him to seek repayment in a dignified manner. Now take him, repay his debt [from my money] and give him twenty extra measures of dates.'

"This action made the Jewish man believe in Islam, and he declared his conversion on the spot, saying,

" 'I bear witness that there is no deity but Allah, and I bear witness that Muhammad is His servant and Messenger.' "[83].

On another occasion, a group of Jewish people went to the Messenger of Allah (peace and blessings of Allah upon him) and greeted him, saying,

"Poison be upon you." [i].

The Prophet (peace and blessings of Allah upon him) replied mildly,

"And upon you."

'A'ishah (may Allah be pleased with her) narrated,

"I understood them, and replied,

" 'And upon you, poison and damnation.' "

The Prophet (peace and blessings of Allah upon him) objected,

"Slow down, 'A'ishah, because Allah loves gentleness in all matters.".

"Messenger of Allah! Did you not hear what they said?"

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i In Arabic "peace" (salaam) could be slurred in rapid speech to sound like "poison" (saam) and vice versa.

"I did, and said, 'And upon you,' " responded the Prophet (peace and blessings of Allah upon him).[84].

The Companions of the Prophet (peace and blessings of Allah upon him) followed his magnanimous example in their treatment of non-Muslims. The commander of the Faithful, 'Umar ibn Al-Khattab (may Allah be pleased with him) ordered that a continuous stipend be set up from the treasury for the benefit of a Jewish family to whom the Prophet (peace and blessings of Allah upon him) had given charity.[85] He justified his decision to allot funds for the People of the Book by referring to the verse of the Qur'an that states:

> ***"Alms are for the poor and the needy, and those employed to administer (the funds): for those whose hearts have been (recently) reconciled (to Truth); for those in bondage and in debt; in the cause of Allah; and for the wayfarer: (thus is it) ordained by Allah. And Allah is full of knowledge and wisdom." (At-Tawbah 60).***

The venerable Companion 'Abdullah ibn 'Amr ibn Al-'As (may Allah be pleased with him and his father) had a habit of charity to his neighbors. He used to repeatedly command his servant to take portions of animals that were slaughtered on religious occasions to give to his Jewish neighbor. His servant, surprised by such insistence, inquired the reason for his concern for the Jewish neighbor, and 'Abdullah (may Allah be pleased with him) recounted to him the *Hadith* of the Prophet (peace and blessings of Allah upon him):

"The angel Gabriel was so constant in his reminders for me to be charitable to my neighbor that I thought he might make him my heir."[86].

A unique historic document gives us an idea of how one of the Muslim rulers expected his governors to treat the Jewish populations under their jurisdiction. The Sultan of Morocco, Muhammad ibn 'Abdullah wrote on the 25th of Sha'ban, 1280 A.H. (corresponding to February 5th, 1864 A.D.) the following:

"To our civil servants and agents who perform the duties of authorized representatives in our territories, we issue the following orders:

"They must deal with the Jewish residents of our territories according to the absolute standard of justice established by Allah Almighty. The Jews must be dealt with by the law on an equal basis with others, so that none of them suffers an iota of injustice, oppression, unpleasantness, or abuse. Nobody from their own community or from outside is to be permitted to commit any offense against them or their property. Their artisans and craftsmen may not be conscripted into service against their will, and must be paid full wages if they serve the state. Any oppression will cause the oppressor to be cast into darkness on the Day of Judgment, and we will not condone or approve of such oppression of them or others. Everyone is equal before our law, and we will punish anyone who commits injustice or aggression against the Jews, with the aid of Allah.

"This order, which we have established and clarified here, is the same law that has always been known, established, and clearly stated. We have issued this statement as an affirmation and a stern warning to anyone who wishes to commit injustice against them, so that the Jewish people may have an enhanced sense of security, and those intending harm against them may be deterred by a greater sense of fear." [87].

A number of unbiased Western historians have attested to his generous spirit that has characterized the Muslims; that is, their kind treatment of non-Muslims. Renault wrote:

"The Muslims in the cities of al-Andalus treated the non-Muslims in the best possible fashion. In return, the non-Muslims showed respect to the sensibilities on the Muslims, and would circumcise their children, and refrain from eating pork." [88].

8- Their right to social security:

Some nations take pride in the fact that they provide social services for the needy, and there is no doubt that such services are praiseworthy. We must acknowledge, however, that Islam preceded all nations and systems in establishing these services. Islamic law set up provisions for needy Muslims: *zakat* was made obligatory to provide for the needy, and voluntary *sadaqah* was encouraged to help the impoverished and indigent. These provisions for Muslims are not the topic of discussion; the issue that is of interest here is how this form of social security includes non-Muslims in Muslim society. The *Shari'ah* has made it an obligation for the Muslim state to provide for all citizens with disabilities that prevent them from lawful employment, Muslims and non-Muslims alike. Funds to provide for them must be taken from the treasury, and the ruler is at fault if he is negligent in delivering the lawful payments to those who have a right to them.

Islamic history has recorded wonderful examples of how the *Khalifahs* and governors of Islam have ensured that non-Muslims were given their due. One such case is told by the Imam Abu Yusuf [89](may Allah have mercy on him), about the *Khalifah* 'Umar ibn Al-Khattab (may Allah be pleased with him), who passed by a home where there was a blind, elderly beggar standing in the doorway.

doorway. 'Umar (may Allah be pleased with him) tapped him on the shoulder, asking him,

"What community are you from?"

"I am Jewish."

"What has reduced you to this state of affairs?"

"Don't ask me; ask the *jizyah*, poverty, and old age."

'Umar (may Allah be pleased with him) led the old man to his own home, and gave him some of his personal funds, and then sent for the head of the treasury, whom he told,

"You must look after this man and anyone like him; we have not treated him fairly. He should not have spent the best years of his life among us only to find degradation in his old age." 'Umar then quoted from the Qur'an:

"Alms are for the poor and the needy, and those employed to administer (the funds): for those whose hearts have been (recently) reconciled (to Truth); for those in bondage and in debt; in the cause of Allah; and for the wayfarer: (thus is it) ordained by Allah. And Allah is full of knowledge and wisdom." (At-Tawbah 60).

'Umar continued,

"The *fuqara'* [poor] refers to Muslims, and the *masakin* [needy] refers to People of the Book such as this man." 'Umar then ordered that the *jizyah* not be collected from the old man or anyone like him. [viii].

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viii This incident is reported on the authority of 'Umar ibn Nafi', who learned it from Abu Bakr (not the *Khalifah* Abu Bakr (may Allah be pleased with him)).

The text of the letter from Khalid ibn Al-Walid to the people of al-Hirah in 'Iraq suggesting truce terms contained the following passage:

"If Allah grants us victory, they [the People of the Covenant] will be protected by their Covenant. They have rights that have been promised to them by Allah; it is the strictest covenant or testament that Allah has made incumbent on any of His prophets. They are also bound by the obligations that it places upon them, and must not violate it. So if they are conquered, they will live comfortably, with everything that is due to the People of the Covenant, and they are not permitted to contravene what the Covenant commands them. In addition, it is my order to exempt from the *jizyah* any elderly person who cannot work, who has a disability, or has become impoverished and receives charity from his own community. The treasury for will provide for them and their dependents as long as they live in Muslim lands or in communities of Muslim emigrants. If they move outside of Muslim lands or communities, neither they nor their dependents will be entitled to any payments." [90].

When the Commander of the Faithful, 'Umar ibn Al-Khattab (may Allah be pleased with him) was visiting Damascus, he passed by a group of Christian amputees. He ordered that they be given money in charity, and have stipends established to provide them with food. [91].

Another similar order was written by the Commander of the Faithful, 'Umar ibn 'Abdul-'Aziz (may Allah have mercy on him) to 'Adiy ibn Arta'ah, his agent in al-Basrah:

"Seek out any of the People of the Covenant in your area who have grown old and weak, and are unable to earn money, and

establish stipends for them from the treasury to provide for their needs."[92].

Some of the Successors used to distribute part of the *zakat al-fitr*[ix] to Christian monks, based on their understanding of the verse of the Qur'an that states:

> ***"Allah forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loveth those who are just." (Al-Mumtahana 8).***

Based on this interpretation, some scholars state that is lawful to give *zakat* to non-Muslims.

Finally, there are other rights that we have not discussed here, because of the assumption that they are elementary and taken for granted, such as the right to work, housing, transportation, education, and such.[93] However, before concluding, I would like to make the following observation. Our discussion has clarified how non-Muslims living in Muslim countries enjoy rights that they might not be granted in non-Muslim countries. Some readers may respond with the objection that these rights might have existed in history, but the experience of non-Muslims in living Muslim countries today is different. The author's personal observation is that non-Muslims still enjoy these same rights today, and they even achieve high positions of authority in some of theses countries where they are a minority. Allah Almighty has commanded us to be truthful, in the verse,

> ***"O ye who believe! Stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin, and whether it be (against) rich or poor: for Allah can***

ix The obligatory charity of the end of Ramadan.

best protect both. Follow not the lusts (of your hearts), lest ye swerve, and if ye distort (justice) or decline to do justice, verily Allah is well-acquainted with all that ye do." (An-Nisa' 135).

Further, when we compare the conditions of non-Muslims living in Muslims to the status of Muslim minorities living in non-Muslim countries, whether now or in history, we see a profound difference. What happened to Muslims during the Crusades, under the Spanish Inquisition, in Communist China, or the Soviet Union? What is happening to them today in the Balkans, Russia, Palestine, and India? It would be worthwhile to reflect in order to give an answer based on fairness and declaration of truth and justice. Allah is the best of Judges, and He states:

"O ye who believe! Stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to piety: and fear Allah. For Allah is well-acquainted with all that ye do." (Al-Ma'idah 8).

Appendix. The special situation of the Arabian peninsula in Islam

During the symposium in Rome entitled *Human Rights in Islam*, after delivering the previous lecture, a question was directed to me that asked,

"How can you claim that Islam guarantees freedom of belief to non-Muslims, when the Kingdom of Saudi Arabia forbids them to perform public worship services or erect churches and temples?"

My answer was as follows:[94].

Everyone knows that the modern international community is composed of nations that have sovereignty over their own lands that are defined by recognized boundaries. It is the right of each nation to apply its laws and regulations within its boundaries to its citizens and residents, and to not have foreign laws imposed within its boundaries. Its sources of law can only be its own constitution, government, and justice system. Upholding its treaty obligations according to the conventions and resolutions of the United Nations concerning human rights is restricted by the provision of not disturbing public law and security. This is accordance with the text of the international conventions and declarations of human rights. Paragraph 2 of Article 29 of the Universal Declaration of Human Rights, ratified by the General Assembly of the United Nations in December of 1948, which states,

"In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and fredoms of others and of meeting the just requirements of

morality, public order and the general welfare in a democratic society."[95].

The constitution of the Kingdom of Saudi Arabia that is agreed upon by its people is the *Shari'ah*, or Islamic law, based upon the Book of Allah and the *Sunnah* of His Prophet (peace and blessings of Allah upon him). This has been documented since the founding of the Kingdom of Saudi Arabia, when its original system of government was established. Review of the *Shari'ah* makes it clear that it established the right of the individual to belief, freedom of worship to non-Muslims, and erecting places of worship in Muslim countries,[96] with the exception of the Arabian peninsula.[97] The *Shari'ah* does not permit non-Muslims to perform public worship services or erect places of worship, according to Bakr ibn 'Abdullah Abu Zayd, who wrote,

"This peninsula is the sanctuary of Islam, the cradle of its first community, the citadel of all Islamic lands, their capital city and home base throughout history. It is from here that the light of prophecy shone forth to eliminate the darkness of ignorance."[98].

The Commander of the Faithful 'Umar ibn Al-Khattab (may Allah be pleased with him) reported that the Messenger of Allah (peace and blessings of Allah upon him) stated,

"I will have all the Jews and Christians leave the Arabian peninsula until I leave only Muslims."[99].

The mother of the Believers, 'A'ishah (may Allah be pleased with her), reported that the Messenger of Allah (peace and blessings of Allah upon him) declared,

"There will not remain two religions in the Arabian peninsula."[100] ["two" meaning "more than one."].

Other documented statements of the Prophet (peace and blessings of Allah upon him) make it clear in slightly varying versions that it was his intention to not permit any religion in the Arabian peninsula except for Islam.[101].

Since the Kingdom of Saudi Arabia follows the *Shari'ah* in its foreign and domestic policy, it is clear from these religious sources that it is obligated to not permit erecting places of worship other than mosques and to not permit public proclamation of other religions, due to its special situation. In following this rule, the Kingdom of Saudi Arabia does not oppose international conventions in general, and specifically those related to basic human rights in the area of freedom of belief and worship, even though there may be differences over concepts concerning application of these principles regarding where they may infringe upon this particular status of the Arabian peninsula.

The United Nations has issued international conventions, declarations, and statements dealing with all aspects of human rights, including the right of the individual to openly declare his religion and beliefs, to worship and conduct religious services, whether alone or in groups, or openly or in private.[102] None of these freedoms as stated in these documents is absolute or unrestricted. On the contrary, these freedoms are limited by the text of Paragraph 3 of Article 18 of the International Treaty of Human Civil and Political Rights, issued December 1, 1966 A.D.:

"Freedom to manifest one's religion or beliefs may be subject only to such limitations as are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."[103].

This same concept is found in Article 1 of the International Declaration against intolerance and discrimination on the basis of

religion or belief, ratified by the General Assembly of the United Nations in Resolution 55 of the 36th session on November 25, 1981 A.D. Paragraph 3 states:

"Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."[104].

Non-Muslims should know that the *Shari'ah* does not penalize the followers of the heavenly religions for their beliefs or for their religious practices. The basic principle of Islam is that there is no compulsion in belief, as is stated in the Holy Qur'an:

"Let there be no compulsion in religion: Truth stands out clear from Error: whoever rejects Tagut and believes in Allah hath grasped the most trustworthy hand-hold, that never breaks. And Allah heareth and knoweth all things." (Al-Baqarah 256).

Allah Almighty has also said,

"Say, 'The Truth is from your Lord' Let him who will, believe, and let him who will, reject (it): for the wrong-doers We have prepared a Fire whose (smoke and flames), like the walls and roof of a tent, will hem them in: if they implore relief they will be granted water like melted brass, that will scald their faces, how dreadful the drink! How uncomfortable a couch to recline on!" (Al-Kahf 29).

Islam is the religion of tolerance and ease. Outside of the Arabian peninsula, Muslims have allowed others to preserve their places of worship and to perform their ceremonies there. Even in countries that Muslims conquered in war, they established the rights of Jews and Christians to their religions and practices. The Arabian peninsula alone has a different status, because does not permit for there to be any places of worship other than mosques, or for the

ceremonies of non-Muslims to be publicly performed there, as only one religion is permitted there.

This special situation of Arabia is not intended as discrimination against non-Arabs from other religions. The ban on other religions includes other Arabs who are not Muslims, as well. In addition, the *Shari'ah* has given certain areas of the Arabian peninsula the status of a sanctuary, and it is not permitted for a non-Muslim, Arab or otherwise, to enter the holy cities of Makkah and al-Madinah. Even a Muslim is not permitted certain acts that violate the sanctity of the places: he may not hunt or pick native plants, and is considered to have committed a religious offense if he does so.

In light of this special status of the Arabian peninsula, this situation with all of its regulations has prevailed there for over 14 centuries. There have not been temples or churches there, or any places of worship other than mosques, and no ceremonies of worship for non-Muslims have been held there. This special status obliges the government of the Kingdom of Saudi Arabia to preserve the sanctity of Arabia. It does not have the option of permitting non-Muslims establishment of places of worship or public ceremonies, because in doing so it would be in violation of its own religious law.

This special status also places the burden of certain obligations on the government of the Kingdom of Saudi Arabia. These responsibilities extend beyond its geographical boundaries in the peninsula, to the far corners of the Muslim world, whose inhabitants number more than 1.2 billion. All of these Muslims refuse for there to be non-Muslim places of worship in the Arabian peninsula, in obedience to the ban established by the Prophet (peace and blessings of Allah upon him). This is because of the presence of the Ka'bah, towards which all Muslims turn when they perform their daily obligatory prayers. The presence of the holy cities of Makkah and al-Madinah, with their sacred sanctuaries, and other sacred

landmarks are all places held in the highest esteem by all Muslims, and they go there from every place on earth to perform the Hajj and 'Umrah.[x].

Even if all of the Muslim countries were to agree upon building places of worship for non-Muslims in Arabia – and they will never do so – the Kingdom of Saudi Arabia could not go along with such an agreement, because it is bound by an obligation based on a religious principle that is not subject to change based on human whims. A demand to cancel this principle by lifting the ban on non-Muslim ceremonies and permitting them to be publicly performed here sets a dangerous precedent of demanding that constitutional principles of sovereign nations be violated. For the Kingdom of Saudi Arabia, it would mean violation of a basic principle of the *Shari'ah*, which is divine legislation, and not secular civil law amenable to change or abrogation. No authority, no matter how powerful, has the right to change or amend the divine law. For this reason, the Permanent Council of Scholarly Research and Religious Decrees in the Kingdom of Saudi Arabia issued Fatwa 12,413 on 1/4/1421 A.H. (July 3, 2000 A.D.) which affirms the inadmissibility of building public places of worship for non-Muslims, or permitting them to publicly perform their worship services in the Arabian peninsula.

The World Islamic Council for Da'wah[xi] and Relief issued the following statement in its session chaired by the leading scholar of al-Azhar in Cairo, on October 12, 2000, concerning the statements of Cardinal Bevi, bishop of Poland, and other officials of the

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x The visitation, or minor pilgrimage, which can be performed at any time of the year.

xi Islamic missionary activity.

Catholic church in Italy and the Vatican against Muslims demanding that churches be built in Saudi Arabia:

"It is our determined affirmation that the Arabian peninsula, and the Kingdom of Saudi Arabia, its heart, are the geographic citadel of the creed of Islam. Religious law does not permit any other religion to be established there. It is not permitted under any circumstance for any religion other than Islam to be proclaimed there. The chair of this committee denounces any further demand for churches to be built in the Kingdom of Saudi Arabia, especially since this matter was decisively stated in a lengthy dialogue with the Vatican via the World Islamic Council for Dialogue, where it was agreed to close this topic, and not reopen any further discussion concerning it.".

Muslim scholars have agreed that it is an obligation of whoever rules the Arabian peninsula to not allow establishment of places of worship for non-Muslims, as was stated by the scholar Bakr Abu Zayd:

"The very act of laying one brick upon another for a non-believing temple, be it a church, monastery, house of fire, or whatever it may be, constitutes a deliberate challenge and act of hostility against its [Islam's] faith and laws."[105].

Taking this matter lightly is an affront to the system of the Kingdom of Saudi Arabia and its national security, because they are based on the *Shari'ah*, especially since the Kingdom of Saudi Arabia does not even have any non-Muslim citizens. Any non-Muslims there are transients who have traveled there of their own free will, according to work contracts that stipulate their adherence to the regulations of the country they are working in. The Kingdom of Saudi Arabia admits millions of transients, who belong to various religions, and permitting all of them to perform public ceremonies

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and set up churches, temples and such would lead to public disturbances and undermine order and security.

It is worth reiterating that the laws of the Kingdom of Saudi Arabia do not prevent freedom of belief and personal religion for its foreign residents. Nobody can interfere in their private worship, or compel them to abandon their beliefs. There has never been any incident where a Christian or anyone else was exposed to pressure or punishment because of his belief, or because of private religious in his home, as long as they were not publicized. Members of the diplomatic corps and other non-Muslim residents hold their ceremonies in their residences without making public announcements and nobody questions them about this. However, extending those ceremonies beyond worship to public proclamations or missionary activity would constitute a threat to public security and order, and this is a matter not permitted by any of the international declarations of human rights. This is made clear in both Article 18 of the International Treaty on Civil and Political Rights, and in Article 1 of the International Declaration against intolerance and discrimination on the basis of religion or belief.

This discussion should have clarified that the Kingdom of Saudi Arabia, which draws its constitution and laws from the Shari'ah, respect and protects the rights of non-Muslims to practice their religion in a manner that does not contravene its particular religious and historical status. In doing so, it also abides by the international conventions concerning this issue.

May Allah guide us to the straight path.

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